

**EXHIBIT 4 TO  
DECLARATION OF SHANEE Y. WILLIAMS  
ISO ADVANCEME'S OPPOSITION TO DEFENDANT'S  
MOTION TO EXTEND DISCOVERY DEADLINE**

# Vinson&Elkins

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July 5, 2007

**Via E-mail**

Mr. Ronald Lemieux  
Partner, Litigation Department  
Paul Hastings Janofsky & Walker, LLP  
Five Palo Alto Square Sixth Floor  
Palo Alto, California 94306-2155

Re: *AdvanceMe, Inc. v. AmeriMerchant, LLC, et. al.*, No. 6:06-CV-082 (E.D. Texas)

Dear Ron:

The transfer of First Funds into the AmeriMerchant case and Plaintiff's new allegations of infringement directed at First Funds ACH processes in which portions of the payments were not sent by the merchant processor to the payment receiver, will require substantial additional discovery.

The additional discovery will have several components.

One of these components will involve the development of additional discovery relating to the Dining a la Card type processes and other forms of prior art ACH processes and prior art processes in which merchant processors do not directly forward payments to the payment receivers. This discovery will also have to include evidence of what was generally known by persons in the industry and that these systems were widely practiced, were not confidential, were used commercially, and were used publicly. This evidence has become material now because of your expanded infringement contentions and the positions you took during the summary judgment hearing.

As you appreciate, both AmeriMerchant and First Funds will have to amend their invalidity contentions to incorporate such additional prior art. Obviously, we will amend the invalidity contentions as soon as we have developed sufficient evidence about these prior art systems. However, to avoid any allegation later that we should have approached you earlier, we now want to know whether or not you will oppose Defendant's motion to amend its invalidity contentions once we have developed the additional evidence to support such invalidity contentions.

If you will oppose such a motion, please let us know what your basis is for your opposition.

I look forward to hearing from you at your early convenience.

Vinson & Elkins LLP Attorneys at Law  
Austin Beijing Dallas Dubai Hong Kong Houston  
London Moscow New York Shanghai Tokyo Washington

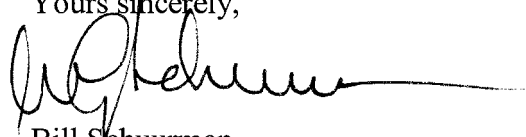
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V&E

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Yours sincerely,

A handwritten signature in black ink, appearing to read 'Bill Schuurman', with a long horizontal flourish extending to the right.

Bill Schuurman

WGS/eh

cc: Joey Gray  
Brian Buss  
Floyd Walker  
Michael Edelman  
Robert Matz  
Shanee Williams